



## COMMUNITY DEVELOPMENT DEPARTMENT

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### PLANNING COMMISSION MEETING MINUTES

#### REGULAR MEETING

JULY 28, 2009

PRESENT: Koepp-Baker, Escobar, Hart, Liegl, Moniz, Mueller,

ABSENT: None

LATE: Tanda, who arrived and was seated on the dais at 7:55 P.m.

STAFF: Community Development Director (CDD) Molloy Previsich, Planning Manager (PM) Rowe, and Minutes Clerk Judi Johnson

*PM Rowe advised that Chair Tanda was presenting a work-related program out-of-town and would be arriving later in the meeting. Consequently, Vice Chair Mueller presided the meeting until the arrival of the Chair.*

Vice Chair Mueller called the meeting to order at 7:00 p.m., inviting all present to join in reciting the pledge of allegiance to the U.S. flag.

#### **DECLARATION OF POSTING OF AGENDA**

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

#### **OPPORTUNITY FOR PUBLIC COMMENT**

Vice Chair Mueller opened, and then closed, the floor to public comment for matters not appearing on the agenda.

#### **MINUTES:**

July 14, 2009

**COMMISSIONERS ESCOBAR/KOEPP-BAKER MOTIONED TO APPROVE THE JULY 14, 2009 MINUTES AS PRESENTED. THE MOTION PASSED (6-0-0-1) WITH THE FOLLOWING VOTE: AYES: KOEPP-BAKER, ESCOBAR, HART, LIEGL, MONIZ, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: TANDA**

*It was noted, that in response to a request from the Commissioners, each agendaized item had an approximate time noted.*

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## PUBLIC HEARINGS:

### 1)ZONING AMENDMENT, ZA- 09-04: CITY OF MH-AMENDMENT TO SEISMIC COMBINING DISTRICT CHPTR 18.43 OF THE CITY OF M.H. MUNICIPAL CODE:

Amendment to the Seismic Combining District of the Morgan Hill Municipal Code to implement the California Seismic Hazard Zone mapping project and to comply with the California Geological Survey requirements for evaluating seismic hazards in Morgan Hill.

PM Rowe gave the staff report, advising this item had been advertised for a public hearing. "However, staff is still working on the issue, and a presentation will be forthcoming," PM Rowe said.

Vice Chair Mueller opened the public hearing. None were in attendance to address the matter.

**COMMISSIONERS MONIZ/ESCOBAR MOTIONED TO CONTINUE THE MATTER OF ZONING AMENDMENT, ZA-09-04: CITY OF MORGAN HILL-AMENDMENT TO SEISMIC COMBINING DISTRICT CHAPTER 18.43 OF THE CITY OF MORGAN HILL MUNICIPAL CODE TO A FUTURE MEETING OF THE PLANNING COMMISSION.**

**THE MOTION PASSED (6-0-0-1) WITH THE FOLLOWING VOTE: AYES: KOEPP-BAKER, ESCOBAR, HART, LIEGL, MONIZ, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: TANDA**

### 2)ZONING AMENDMENT, ZA- 09-05 AND GENERAL PLAN AMENDMENT, GPA-09-02: CITY OF MH-SMALL LOT SFD ZONING DISTRICT:

A request to amend the General Plan Land Use element and Chapter 18 of the Morgan Hill Municipal Code to create a Single Family High (5-11 Du/Ac) land use designation, a High-Density Single-Family (R-1 4,000) zoning district and amendments to Chapter 17.34 Standards for Residential and Private Streets, 18.04 Definitions, 18.50 Parking and Paving Standards, Chapter 18.55 Secondary Dwelling Units, and Chapter 18.57.030 Exceptions of the Morgan Hill Municipal Code.

CDD Molloy Previsich presented the staff report as she reminded this was the fifth session for this item before the Planning Commission. "Some of the issues we've been working on with this issue include:

- it will be a tool for accommodating R-2, etc.
- refinement of regulations
- new: 5 - 10 units/acre (previously 10 - 11)
- will be single family detached with less square footage than lots currently

and the request by the Planning Commission for an additional General Plan policy to provide direction on the appropriate location of the Single Family High land use and zoning designation\*. Those issues, along with the lot sizes (4,000 sf versus 4,500 sf), a 'more generous FAR', elimination of a second dwelling unit on 4,000 sf lots, and addressing the current RDCS projects shifting to single family designations (how to deal with the points, etc.)," CDD Molloy Previsich announced. "Regarding (\*), a series of policies [page 2 of the staff report] were recommended to be added to Land Use Goal 7: A variety of housing types and

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densities available to all residents.” Other existing Land Use and Housing Element Policies were noted as providing guidance to the placement of the Single Family High land use designation. Discussion then centered on Land Use Element Goal 8: Distinct, well-designed residential neighborhoods/Action 8.3.

CDD Molloy Previsich addressed the fact that for the larger envelopes which the developers and the public appear to want now has resulted in a recommendation of 52% FAR instead of 50%. “So 1,940 sf of living space with a 4,500 lot will result in a ‘good size home’, but not a monster house,” she said, adding that this percentage amount would be similar to Morgan Ranch and El Dorado subdivisions.

Explanation was provided regarding:

- a second dwelling on 4,000 sf lots
- R-2 district modification ~~ second unit in R-2 with 6,000 sf lot
- impact on R-1 district with 4,500 sf lots

Some discussion followed of the effect of this action(s) on existing allocated projects: whether those would have to change to this for further progress? [Yes, there is one in the ‘pipeline’ now] CDD Molloy Previsich advised that the existing policy regarding on-going allocated projects addresses the issue of having a project retained or improved, with a same-score retention it will be OK. She reminded that any change must be acted on by the Planning Commission and the City Council so this is a step in the Policy (which requires a higher score as a result of a project change request).

CDD Molloy Previsich noted that with the changes noted in the staff report, that staff recommends approval of the prepared Resolutions, as she stressed these features of the General Plan, Zoning Ordinance and Municipal Code updates will create a new tool accommodating units in the R-2 district, as well as R-1.

Commissioner Escobar asked if the 52% limitation for dwellings would be applicable to 6,000 sf lots. CDD Molloy Previsich responded, “Yes, we are prepared to work with any size lot, so a sliding scale of house sizes would be pertinent.”

Commissioner Escobar then said, “I came away from the last meeting with an indication of reluctance for second dwellings for this type lot.” CDD Molloy Previsich replied, “It is important to remember that not all projects will come in with a minimum lot size so we will see 4,000 sf; 4,500 sf; 5,000 sf; and 6,000 sf lots, so for the RDCS competitions to project housing types, this is important to do. Staff believes that with the variation of sizes, developers will like the ability to vary, and we will have good products. Remember, too, we still may have variation requests.”

Commissioner Koepp-Baker asked if staff foresees individual second units or having the space placed within a garage. CDD Molloy Previsich stated, “It could be a variety of ways: if you take a 2,043 sf structure and up to 643 sf for a secondary unit, it could be a free standing unit. Or you could have a 400 sf garage and 400 sf for a Granny Unit, then a remainder for the main dwelling. Still, the developer must comply with regulations for parking, and so you could have a detached 400 sf

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garage or a 400 sf unit over the garage. The zoning district would reign in the overall size on the lot.”

Commissioner Koepp-Baker continued by asking, “Does staff think developers will work with you to create attractive units?” CDD Molloy Previsich said, “Yes in an R-2 district up to 25 % of the units can be attached.”

Vice Chair Mueller expressed concern that some of the changes in the Zoning Districts would allow private streets and this would provide limited access to non-connecting or non-through streets. “I think we need to look at what it would take to make those private streets public streets. I think it would be more of a benefit if the streets were to become public.”

PM Rowe explained the streets in Morgan Ranch indicating that the private streets presented no restrictions.

Vice Chair Mueller continued by saying, “The streets could be private to private, not private to public. My concern is one of fire equipment entrance.”

CDD Molloy Previsich stated, “The proposal would allow private to public streets, but the request for that configuration would be very carefully reviewed. The emphasis is on not having exclusive access.”

Vice Chair Mueller spoke to another concern, “I know having more affordable housing is a goal, but I fear a burden of private streets being placed on homeowners.”

CDD Molloy Previsich said staff will take the matter under consideration and announced ‘it may be necessary to look at the issue more carefully’.

Vice Chair Mueller agreed, and said “At some point we will really need to look at private streets becoming public streets as this could benefit neighborhoods.”

CDD Molloy Previsich noted that the Subdivision Ordinance and a review of Street Standards are on the Planning Department’s work plan list.

Vice Chair Mueller expressed a further concern: the percentage of limitation for dwellings. “In Morgan Ranch, a large percentage of homes are less than 50 - 52%; it becomes more like 40%.” PM Rowe recalled that Morgan Ranch contains some smaller lots, about 4,300 sf, and so the % limitation for dwellings is about 49%. Vice Chair Mueller responded, “This tops out at 52%. It seems that with the different floor area ratio, there might be a concern with 52%. We might be getting more than what we were thinking about.”

Vice Chair Mueller called attention to Section 1 of the <prepared> Resolution, noting that it should read: the General Plan text amendment is consistent with the provisions of the General Plan, specifically carrying out ~~General Plan~~ *Community Development section element* Goal 2 policy d, and Goal 7 policies b,g-j goals.

**COMMISSIONER ESCOBAR OFFERED A RESOLUTION APPROVING A**

**GENERAL PLAN TEXT AMENDMENT TO INCORPORATE HIGH-DENSITY SINGLE FAMILY AS A RESIDENTIAL LAND USE DESIGNATION INTO THE GENERAL PLAN TEXT INCLUSIVE OF THE FINDINGS AND CONDITIONS CONTAINED THEREIN, AND WITH THE FOLLOWING AMENDMENT:**

**Section 1 ~~General Plan~~ Community Development section element**

**COMMISSIONER MONIZ PROVIDED THE SECOND TO THE MOTION, WHICH PASSED (6-0-0-1) WITH THE FOLLOWING VOTE: AYES: KOEPP-BAKER, ESCOBAR, HART, LIEGL, MONIZ, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: TANDA.**

**COMMISSIONER ESCOBAR OFFERED A RESOLUTION RECOMMENDING AMENDMENT TO TITLE 18, THE ZONING CODE BY ADDING CHAPTER 18.13 HIGH-DENSITY SINGLE FAMILY RESIDENTIAL ZONING DISTRICT (ZA-09-05: CITY OF MORGAN HILL HIGH DENSITY SINGLE FAMILY ZONING TEXT. NOTING THE INCLUSION OF THE FINDINGS AND CONDITIONS WITHIN, COMMISSIONER LIEGL SECONDED THE MOTION, WHICH CARRIED (6-0-0-1) WITH THE FOLLOWING VOTE: AYES: KOEPP-BAKER, ESCOBAR, HART, LIEGL, MONIZ, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: TANDA.**

**COMMISSIONER ESCOBAR OFFERED A RESOLUTION RECOMMENDING AMENDMENT AND/OR ADDITION TO CHAPTER 17.34 STANDARDS FOR RESIDENTIAL AND PRIVATE STREETS, 18.04 DEFINITIONS, 18.50 PARKING AND PAVING STANDARDS, CHAPTER 18.55 SECONDARY DWELLING UNITS, AND CHAPTER 18.57.030 EXCEPTIONS OF THE MORGAN HILL MUNICIPAL CODE (ZA-09-05: CITY OF MORGAN HILL – HIGH DENSITY SINGLE FAMILY ZONING TEXT), INCLUDING THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER MONIZ SECONDED THE MOTION, WHICH PASSED (6-0-0-1) WITH THE FOLLOWING VOTE: AYES: KOEPP-BAKER, ESCOBAR, HART, LIEGL, MONIZ, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: TANDA.**

Commissioner Koepp-Baker thanked staff for working on this issue, which had gone on for some time, but was very important for the City. CDD Molloy Previsich in turn thanked the Commissioners for the ‘good feedback at all turns of the process.

Vice Chair Mueller reminded of the importance of revisiting the item in having the Street Standards studied and updated.

**3)DEVELOPMENT  
AGREEMENT  
AMENDMENT,  
DAA-05-08E AND  
DEVELOPMENT  
SCHEDULE**

A request to amend the development agreement and development schedule for the 14-unit multi-family residential development. The project is located in northwest quadrant of the intersection of Church St. and Bisceglia Ave. in the CC-R zoning district. (APN 817-01-061 & 062)

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AMENDMENT,  
DSA-07-12D:  
CHURCH-OLD  
ORCHARD CO.  
(ALCINI):

PM Rowe gave the report, advising this item was similar to others the Commissioners had heard requesting prior extensions. He called attention to the table (Extension Comparison) on page 2 of the staff report, as he noted this project had more extensions than many of the projects, but was further along with the process. "This, like so many others, exhibits simply an inability to get financing. So staff is recommending that the request be granted, as the delay is not the fault of the developer and that the letters of justification – both from the developer and the bank – contain documentation of the inability for gaining financing, for recommending the extension to the City Council," PM Rowe said.

Following discussion, it was established that Paragraph 18 <prepared Resolution, page 3> could have added language which will indicate that even though a minor adjustment to the Agreement can be made administratively, there still need for any requests for RDCS allocation application extensions to have City Council approval.

Commissioner Moniz asked, "Does the plan check 'shelf life' extend out also?" CDD Molloy Previsich stated, "The Building Official deals with the plan timeliness every six months. If an extension is granted or if the Code changes, then some revision to the project plan would be called for."

Vice Chair Mueller asked, "If the City Council approves a ~~substantially changed Ordinance, will that 'kick up' the plan check~~ **approves a sustainable building ordinance, will that force a new plan check?**" CDD Molloy Previsich responded: That is a determination yet to be made." Vice Chair Mueller expressed a belief that: the way this Ordinance is going to the City Council, it 'covers everything'. CDD Molloy Previsich said, "If a project is in the 'pipeline' then it is affect." Commissioner Liegl asked, "Have we ever had a delay that has gone this long? What did happen if so?" PM Rowe responded, "This will result in about 44 months, our previous length was about 40 months. The difference is: this project is just short of having building permits in hand." He then called attention to the applicant's letter regarding the requirements for recording the map.

Vice Chair Mueller commented, "I can't think of any other projects where we've been out four years This housing downturn puts the Planning Commission in 'new territory'. If we have a really new dynamic market, we have other options, but not now. If we were to look for another place to put allocations if we took them back, it would be difficult. So we all in a 'real hard spot'." Vice Chair Mueller the proceeded to give some history on a project ~~Lacrosse Street 'about three years ago'~~ **LaCross 'several years ago'**, where a longer extension was requested.

PM Rowe provided information from a local Realtor regarding 'Facts and Trends' relating to the number of homes for sale, sold, and with pending sales in the City.

Vice Chair Mueller opened the public hearing.

Cliff Johnson, 650 W. Middle Avenue, Gilroy, said, "I've presented the request as straightforward as I can. I'm just here to answer questions. The market is not good. I have no choice but to ask for an extension."

Vice Chair Mueller reminded that changes of minor adjustment to the Agreement

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can be made administratively, there still need for any requests for RDCS allocation application extensions to have City Council approval. Mr. Johnson acknowledged understanding of that.

Discussion followed regarding the fact that the 'building permits were sitting here' waiting to be taken out, while conceding that a lack of funding was the cause.

Commissioner Liegl asked, "How long do you think this market downturn may last?"

Mr. Johnson responded, "I think the market will re-set itself; and at some time we will see a renewal with prices far below what we have seen recently, but homes will get built. I may not be the builder on this project; but if I lose the project, it will be bad for me, but perhaps good for the City and the neighborhood, and maybe even healthy for the market."

With no others present to speak to the matter, the public hearing was closed.

**COMMISSIONER ESCOBAR OFFERED A RESOLUTION RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT AMENDMENT APPLICATION, DAA-05-08D: CHURCH – OLD ORCHARD CO (ALCINI) TO ALLOW A TWELVE-MONTH EXTENSION OF TIME OF THE COMMENCE CONSTRUCTION DATE FOR 14, FY 2006-07 BUILDING ALLOTMENTS, INCLUSIVE OF THE FINDINGS AND CONDITIONS CONTAINED THEREIN, AND DIRECTING STAFF TO CREATE LANGUAGE IN PARAGRAPH 18 WHICH WILL INDICATE THAT EVEN THOUGH A MINOR ADJUSTMENT TO THE AGREEMENT CAN BE MADE ADMINISTRATIVELY, THERE STILL NEED FOR ANY REQUESTS FOR RDCS ALLOCATION APPLICATION EXTENSIONS TO HAVE CITY COUNCIL APPROVAL. COMMISSIONER LIEGL SECONDED THE MOTION, WHICH PASSED (6-0-0-1), WITH THE FOLLOWING VOTE: AYES: KOEPP-BAKER, ESCOBAR, HART, LIEGL, MONIZ, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: TANDA.**

**COMMISSIONER ESCOBAR OFFERED A RESOLUTION APPROVING AN AMENDED DEVELOPMENT SCHEDULE FOR APPLICATION MC 04-15: CHURCH – OLD ORCHARD CO. (ALCINI), WITH THE FOLLOWING AMENDMENT:**

**V. BUILDING PERMITS**

**Obtain building permits FY 2006-07    10/30/09    10-30-10**

**NOTING THE INCLUSION OF THE FINDINGS AND CONDITIONS WITHIN THE RESOLUTION, COMMISSIONER LIEGL PROVIDED THE SECOND TO THE MOTION, WHICH CARRIED (6-0-0-1), WITH THE FOLLOWING VOTE: AYES: KOEPP-BAKER, ESCOBAR, HART, LIEGL, MONIZ, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: TANDA.**

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### 4)POLICY ON USE OF PARK IN-LIEU FEES:

The Planning Commission will discuss the current policy and practices regarding use of certain park in-lieu fees and consider adoption of a new policy that places restriction on the use of such fees.

PM Rowe reported that earlier this Spring, the Planning Commission's RDCS criteria review Subcommittee had – for the second year in a row – looked at criteria B6 and B7 under the Parks and paths Category, specifically reviewing the points awarded for payment of park in-lieu fees when a developer pays double or higher fees. The Subcommittee then considered additional efforts for a commitment that provided dedicated public park land in lieu of common HOA owned open space. The Subcommittee agreed that this requirement should be included in the RDCS implementation policies not the implementing Ordinance.

PM Rowe then address the three separate funds for acquisition and development of parks, open space and maintenance of parks:

301 – revenues received only for new parks in City ; AB1600 annual accounting practices apply; developers can a fee in-lieu of dedicating land

302 – funds from developers used for maintenance; addressed in the RDCS parks and paths category [In January 2009, the City Council issued a directive for expenditure reduction; funds here were transferred to the City General Fund using a dedicated formula] This funding category is only for development/ then reduction of park maintenance

306 - open space credits from hillside properties; developers pay open space fee; over the next five years the City anticipates receiving \$3.78 million in revenue to this fund. In the current fiscal year budget, \$45,000 in this fund was transferred to the General Fund for open space maintenance.

Staff has recommended no change to the current policy, PM Rowe advised.

Commissioners asked questions regarding:

- current park maintenance budget [essentially same as last year; increased about \$35.000 but varies annually]
- are employees/staff going to be receiving increases over time period – or are raises frozen [negotiations are on-going presently]; then this number could be erroneous if increases, could be higher [numbers reflect projected increases but negotiations are ongoing]
- potential for use of General Fund monies [very slight]
- regarding the staff recommendation (last sentence: The 302 Parks maintenance Fund transfer is 39% of the total park maintenance budget), [about five years since this approach has been taken]
- park maintenance has presented a 'fairly stable source of funding'
- anticipated amount for the in-lieu fees (about \$3.78 million over the next 5 years)

Vice Chair Mueller commented, "I feel really bad *timing to be sending* addressing this matter to the City Council. I would like to see this tabled until early first year before the next FY budget is considered. It is working now. It is not a crisis now and I don't think we should bother the City Council until we can come back with a better picture." *it should be considered. The Council is working on current Budget issues given the recent State action."*



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Commissioner Escobar noted, "The staff recommendation said 'no change' and I'm not interested doing any changing."

Commissioner Koepp-Baker said, "The subcommittee was charged with how to get the City to look forward to purchasing land for passive parks." She went on to provide data on the last couple of years employees who perform maintenance on parks, acres, and cost per acre, noting that there has been significant costs increases and the General Fund can't support those increases.

Commissioner Escobar noted that the Commissioners are talking about restrictions for modifications without benefit of discussion of the budget. "It would be remiss to make recommendations without knowing the next budget," he said.

Vice Chair Mueller stated, "I agree, it is not an appropriate item for recommendation when we are so far behind in passive parkland? A question is: How can the City get money for passive parks, but to make suggestions? No, I don't see the City Council entertaining a recommendation at this point?"

Commissioner Moniz reminded that, he and other members of the subcommittee – had met with City Council members. "Has staff any input from them any interest in having a voice in this?" PM Rowe acknowledged that there had not been communication.

Vice Chair Mueller said, "When we get ready to discuss this prior to next budget cycle, I think it would be beneficial to have a Parks and Recreation rep make recommendations. Maybe this would have to some thought, and that's why I say wait until the City Council begins the next budget cycle."

Commissioner Escobar advised, "If we do bring this back, I believe we need a more global overview of the total budget."

Vice Chair Mueller said, "If this is a focus on transfer of maintenance funds, ~~then we need to be set on why it is needed.~~ ***we need to be able to say why it is needed and how the funds might be replaced.***"

*Chair Tanda arrived at 7:55 p.m. and was seated on the dais.*

### **COMMISSIONERS ESCOBAR/KOEPP-BAKER MOTIONED TO TABLE THE MATTER OF POLICY ON USE OF PARK IN-LIEU FEES TO A FUTURE MEETING DATE.**

Under discussion, the following was raised by Commissioners:

Liegl - potential of coming up with fundraising ideas to help raise money for parks [CDD Molloy Previsich advised of the potential for a suggestion from the Planning Commission to Parks and Recreation to create a 'Friends of' Parks and Recreation who could do fundraising; essentially such a program would not be a Planning Commission matter]

Mueller - way get involved: approval of CIP [CDD Molloy Previsich work on CIP

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aids in getting park(s) acquisition]

**THE MOTION PASSED (6-0-1-0), WITH THE FOLLOWING VOTE: AYES: KOEPP-BAKER, ESCOBAR, HART, LIEGL, MONIZ, MUELLER; NOES: NONE; ABSTAIN: TANDA; ABSENT: NONE.**

## **OTHER BUSINESS:**

*Chair Tanda assumed the gavel at 7:57 p.m.*

## **5) STREAMLINE DEVELOPMENT PROCESSING SERVICES:**

Revisions to policies and processes with goal of reducing the time necessary for private development projects to obtain approval.

PM Rowe gave the staff report, stating this item had been continued from the last meeting, with an amended report being presented at this time. In an attached exhibit, the 2009 established policies and goals established by the City Council were displayed. Of major emphasis was how to help move the RDCS process along, with detail provided in the staff report. It was noted that significant progress had been made, with examples of the Downtown Plan, the Master EIR, and the completion of CEQA study for the Citywide Traffic study being given.

Two Planning Commission policies were highlighted:

1. Changes to approved ~~R~~RDCS projects [authorized CDD to approve changes in certain facets of approved dwelling units within the project according to specific housing types [this was resultant to requests when, prior to the downturn in the economy, developers wanted to downsize units] in view of the action at the current meeting regarding high density single family units, this policy may be reviewed
2. Policy establishing separate development schedules for monitoring of RDCS (Measure C) projects and amending deadlines for Measure C projects

Concerns raised by the Commissioners included:

- some actions by the Commissioners (recommended by staff) doubled processing times instead of streamlining
- need for changes to intermediate dates, with processing completed through staff, then sent to the City Manager (or designee) equaling only one action
- minor amendment, new boiler plate (iii/page 3: Staff Report)) can't occur for more than 12 months, so especially in this environment, might want to consider more than 12 months; anything more than 12 months, revert to present practice; Planning Commission continue to monitor and with admin approval then reduce time from 9 weeks to 4 weeks
- need for City Council approval through ELBA (Exception to the Loss of Building Allocations; any time extend construction commence date, actually doing ELBA; cost of requesting extension drop? [Yes]

PM Rowe explained potential changes in procedure

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- now: public hearing (same as having board hearing) – posting of public hearing, date, time, place
- recommendation: notice of public comment period; discretion of CDD; if expect high interest, then public hearing

Commissioner Koepp-Baker asked for clarification of present practice of how people within 300-feet of subject interest are currently notified of public comment period. “I don’t want to have people complain,” she said.

The information is posted on the City web site, on the physical site, and mail is sent to all property owners within the 300-foot area.

Commissioner Escobar said, “What occurs at public hearings, when people speak, they get feed-back. Is there intent to provide feedback to those who comment at these informal hearings? One reason the public does not come to public hearings, the time or location may be difficult. With this process, you may have an unintended consequence: people may respond to the public announcement, and expect feedback. Has staff considered, and how will staff plan to respond?” CDD Molloy Previsich said, “The public will have to follow up and see if the document includes their concern. The hearings will generally be during the day. If someone wanted to join in a loop for feedback, they would know when the decision would be made.”

Commissioner Mueller expressed concern of having the decision time and place known. “Ten days can be very short,” he said. CDD Molloy Previsich noted that 10-days is standard in State laws. ‘Brainstorming’ on how best to notify the public of the activity and the resultant decision followed.

Commissioner Moniz focused on the City-wide traffic model and asked how that would be beneficial to the process? CDD Molloy Previsich explained the model is based on the General Plan and said the Department was hoping have the document made public this week. She went on to declare, “This is much better than the old model – which is 10 years old – the new model has a much less refined structure for set points. We have made projections based on elements of the study. Applicants may still have to do a traffic impact study, but it will provide more reliable projections. It is a complete overhaul of the prior study.”

Chair Tanda stated over the years, he has been concerned that people within 300’ complain they have not received proper notice, adding this is ‘very critical’ to an open process, and asking for further discussion on the matter.

Commissioner Mueller suggested notice on the City’s web site. CDD Molloy Previsich said staff will post noticing information, and provide deadline for the comment period.

“However, those interested will still need to come in and see plans,” she said.

Chair Tanda commented, “People who are impacted by the projects would find the City web site to be a great place for information if they are directed there.”

CDD Molloy Previsich reminded that all property owners within 300’ get notice in

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the mail.

Commissioner Liegl suggested more emphasis on the mailed message with stronger language noting the importance.

Commissioner Escobar said, "The Commissioners are raising good ideas, but self responsibility is very important. We can't go beyond due diligence and I'm not suggesting we do not have regard for posting."

Commissioner Mueller suggested staff and the Commissioners should 'really look' at what the posting says: if a person receives notice in the mail, direct them to the City web site, post an answer on web. "We could gain efficiency that way. I'm not suggesting posting everything, but if more information was put on the web, the public could go there if interested," he said. CDD Molloy Previsich pledged to look further at the possibilities.

Commissioner Moniz explained how developers submit plans in a scanned format, suggesting that could be posted on the web site. "You don't need everything, just site plan, and then the public can ask other questions."

Discussion turned to the Administrative Use Permit, similar to the Downtown Administrative Use Permit which will result in cost savings, PM Rowe advised.

Commissioner Escobar observed, "As Commissions we are sometimes asked, 'how did that use get in?'. What is the likelihood of getting a report of use permits granted so we have good awareness of what is happening – and can explain it?"

Discussion ensued of: if staff has concerns of a request, take it public. If a list (such as Commissioner Escobar suggested) were in place, then staff could say which would be straightforwardly approved administratively, and that would result in lower cost and shorter approval times.

Commissioner Mueller if we – and staff - take time to set up the administrative process, then the Planning Commission can reserve to have staff not to deal with identified items. CDD Molloy Previsich suggested that in formulating a recommendation to the City Council (and if they agree) regarding the items discussed by the Commissioners for streamlining, then staff could put that recommendation into the Department work plan.

Chair Tanda asked clarification of public noticing of the Administrative Hearings.

CDD Molloy Previsich advised that a third recommendation (elimination of temporary Use Permits for model home complexes should be considered by the Commissioners.

### **COMMISSIONERS MUELLER/KOEPP-BAKER MOTIONED TO RECOMMEND:**

- **CHANGE THE PUBLIC NOTICE REQUIREMENT FOR DESIGN PERMITS**
- **CREATE AN ADMINISTRATIVE USE PERMIT**

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- **ELIMINATE TEMPORARY USE PERMITS FOR MODEL HOME COMPLEXES**

**THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.**

**COMMISSIONERS MONIZ/ MUELLER MOTIONED TO RECOMMEND:**

- **CHANGES TO APPROVED RDCS PROJECTS (NO REVISIONS RECOMMENDED)**
- **POLICY ESTABLISHING SEPARATE DEVELOPMENT SCHEDULES FOR MONITORING OF RDCS (MEASURE C) PROJECTS AND AMENDING DEADLINES FOR MEASURE C PROJECTS**

**AS PRESENTED AND AMENDED (PAGE 3/STAFF REPORT 07/28/2009).**

Under discussion, Chair Tanda questioned: With these actions in this category, it should result in faster service and lower cost so the fee would be lower? [Yes] “So, the question is: how many staff would be reduced? That would be real cost savings, all these things equate to one FTE. Would staff be eliminated or reassigned?” CDD Molloy Previsich responded, “We have eliminated staff dramatically, but are still busy with those projects we have been behind on. Even with more efficiency, I would hope that no more staff would be taken off. We have to monitor a number of things, including the streamlined processes.” Commissioner Liegl commented, “Having the streamlining will help to lessen the workload of current staff.”

**THE MOTION PASSED (7-0), WITH THE FOLLOWING VOTE: AYES: KOEPP-BAKER, ESCOBAR, HART, LIEGL, MONIZ, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

**6)RESIDENTIAL  
DEVELOPMENT  
CONTROL  
SYSTEMS (RDCS)  
QUARTERLY  
REPORT:**

Quarterly review of the progress of residential projects that have been awarded building allocations under the City’s Residential Development Control System.

PM Rowe presented the staff report, recalling that this report is for the Planning Commission to review the progress of all approved projects and make recommendations for reallocations, as necessary.

Attention was directed to specific projects:

- Diana Chan furthest behind
- Diana EAH behind but expected to move forward 40 senior units

PM Rowe announced that, since the last RDCS report, no new building permits had been issued. He provided information regarding the most recent Department of Finance estimated population numbers and called attention to the table in the report of the approved distribution of building allotments for the second quarter of 2009, noting the identified trend of housing now below \$700,000.

Discussion ensued of:

- building permits issued in 2008 (2)-09(15; projected: 21)
- perceived risk

Commissioner Hart asked about projects with deadlines not met, e.g., Tilton

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Glenrock, asking if they were in default of some sort? PM Rowe explained: Yes in default by terms of the Development Agreement; the developer has been notified that he needs to apply for extension. Some streets are in, so the off sites are in for that portion. Commissioner Mueller noted this project is working on phase 7 of 12 phases, clarifying the default is only for this certain phase.

Responding to comments from Commissioner Mueller, PM Rowe acknowledged a number of changes approved by City Council, but not shown in the current report.

CDD Molloy Previsich commented, "Staff makes projections for budgeting purposes, but we are now less optimistic than before."

Commissioner Mueller one thing need to think about Measures A and F are not reflected in the projections. "So when we get ready to get into the next allocation cycle, many allocations appear to be 'free-floating', and those could add almost 600 allocations with the result being about a thousand allocations in the pipeline," he said. CDD Molloy Previsich replied, "Only if they get the design permits in timely. In terms of the RDCS calculation, we need proof of an actual project." Commissioner Mueller noted that could cause a sharp fall off in the ~~number of approved allocations~~ *number of available allocations in future years*.

**COMMISSIONERS MUELLER/ ESCOBAR MOTIONED TO APPROVE THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEMS (RDCS) QUARTERLY REPORT WITH THE AMENDED 'FLASH CHART' AND THE PRESENTED 'FACTS AND TRENDS' DATA. THE MOTION PASSED (7-0), WITH THE FOLLOWING VOTE: AYES: KOEPP-BAKER, ESCOBAR, HART, LIEGL, MONIZ, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

### WORKSHOP:

### 7)DOWNTOWN SPECIFIC PLAN:

Review, provide questions and comments and receive public input on the Draft Downtown Specific Plan released in July 2008.

CDD Molloy Previsich gave the staff report. "We've put this item on the agenda to especially give the three new Commissioners an informal setting to discuss what they've read and ask questions. The EIR for the draft Downtown Specific Plan will be released this Friday," she said, and continued by outlining a potential time frame for having public hearings on the matter. "A target date of September 22 for final work with conclusion of the hearings by September 29, and having the City Council at their October 14 meeting give consideration of the EIR is our goal. The City Council/RDA are anxious to start projects on sites the City purchased," CDD Molloy Previsich advised.

CDD Molloy Previsich proceeded with the staff report by providing an in-depth overview of prior discussions, which were structured around key content areas, as she detailed the involvement and recommendation steps.

Noting that the issue of potentially having Monterey Road narrowed was not part of

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the Downtown Specific Plan, but would be considered with adoption of the Circulation Element (inclusive of the new City wide traffic model analyzed for 2015 and 2030) with the EIR of that document scheduled for release next week.

Considerable discussion ensued regarding the heightened interest in the potential for Monterey Road being narrowed with the following points raised by the Commissioners:

Liegl is the Specific Plan taking out the median?

[City response: No; the Plan leaves to the future a streetscape plan; the City has asked for a grant for livable communities, with a study of Monterey Road showing four and two lane configurations]

Liegl stood on Monterey Road during the day, saw all four lanes very busy; think if narrow, 'getting selves into baliwick'; if talking about setbacks and narrow, can understand, think four lanes necessary; really wants to know what intent is [City response: still an open question – has been in Plan and should be studied further; this is first time a new City-wide traffic model has been analyzed for 2015 and 2030 with two and four lanes; that draft EIR for the Downtown Specific Plan is scheduled for release Friday and does contain analysis; the draft EIR for the Circulation Element is scheduled for release next week– but is not part of the Specific Plan; study will continue]

Koepp-Baker Monterey Road so essential to traffic; if one lane in each direction, and the median with the nice trees which are beneficial to downtown is taken out, a concern would become: what is the fiscal impact of changing Monterey Road before new buildings are constructed

[City response: addressed in addendum: must be consistent with language. A benefit of making a decision: would allow for different elevations connected to flood plain and set elevations of buildings; might have plans for how future development impacted; much depends on funding]

Koepp-Baker: seems like cart before horse: build buildings first, then the street

CDD Molloy Previsich specified issues of the right-of-way.

Mueller told of scenario as potential for retention of median; noted that 10 - 20 year projections for traffic through Morgan Hill are 'notoriously wrong'; spoke to the need for keeping the right-of-way

[City remarks: discussion of Specific Plan and Circulation Element tend to overlap; may require juxtaposition of hearing, perhaps 2 - 3 hearings. *Emphasized*: Specific Plan not proposing any circulation programs]

Liegl if start getting homes downtown, traffic might be increasing considerably

[City response: circulation element changes affect downtown Monterey; description of traffic routes potential for changes of connecting routes for future]

Moniz Granada Theater may be a 'non-issue, but a lot of speculation about what's going to happen'; are feasibility reports available?

[City response: currently location is not in Specific Plan; Community designated having marquee and sign as is; decision will not be made with the Specific Plan unless public and Planning Commission deem it should be in the Specific Plan]

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Moniz so when will decision be made regarding the Granada?

[City response: RFQ/ROI are being considered for soliciting developers who have interest in a project; RDA plans to 'spend some money now to spruce it up']

Koepp-Baker last February appeared to be provision for visioning process for RFQ/ROI –what goes into proposals

[City response: staff will investigate, RDA discussions unknown at present]

Tanda: how to deal with high speed rail? Thought that would be part of transportation infrastructure; possible to look at it in Morgan Hill as a big pipeline; probably should be addressed in design standards as the rail would not move people or goods in or around Morgan Hill

[City response: EIR consultants directed to consider rail road right of way addressing from noise, aesthetics, and vibration perspective; no definite design standards; City Council has asked high speed authority to consider moving the site to Highway 101; if the site does go to 101, there are not design guidelines in the Plan; addressed from EIR standpoint, but haven't created specific design guidelines in plan]

Mueller for some reason, thinking four story buildings on larger than one-half acre; thought should be on 1 acre

[City response: always been on one-half acre; analysis on candidate sites show partial fourth story fits on those sites; one-half acre pretty big for Downtown; policy language in Plan for appropriateness of four stories, which could be landmark sites, e.g. Sunsweet site]

Mueller going through plan again in detail; will submit concerns by e-mail

Escobar will follow up and submit concerns by e-mail

Hart will e-mail list to staff; 'nits will be corralled'; major concern: planted median in Downtown; 'shocked at some of things in Plan for Monterey Road which appear to favor removal of plants and trees

[City response: Consultant working on; intent is to talk about of range of plans but leave to future]

Hart would we as Commission be notified, specifically invited. to discussions of Monterey Road?

[City response: there will be display ads in the newspaper, on City web site, mailings (to commissioners) and notification to City-wide Community Meetings; so general meetings and also Planning Commission discussion of the Transportation Studies/Circulation Element on August 11]

CDD Molloy Previsich said, "There is one other thing to note: the original Downtown Specific Plan was introduced in January 2008, with an Assistant City Manager assigned to the Plan. It is beneficial to see if the Plan accommodated what the City has plans for. Recall, too, the CalTrain site is jointly owned by VTA and the City. This planned development keeps the CalTrain structure; however, when talking to VTA the thinking became it might be better to designate that block as the Central Business District. The



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## **ANNOUNCEMENTS** **COMMISSIONER/** **STAFF IDENTIFIED** **ISSUES**

EIR has studied a certain intensity of activity there, so more substantive things might need to be considered.”

## **CITY COUNCIL** **REPORTS**

Considerable discussion ensued regarding the meetings required for the Downtown Specific Plan and the Circulation Element, with staff announcing intent to ‘firm up the meetings’, which will be at 7:00 p.m.; and then provide notification of the meetings to all concerned.

## **ADJOURNMENT**

None

Noting that there was no further business for the Planning Commission at this meeting, Chair Tanda adjourned the meeting at 9:52 p.m.

## **MINUTES RECORDED AND TRANSCRIBED BY:**

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**JUDI H. JOHNSON, Minutes Clerk**